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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,877	05/04/2001	Christof Faller	Faller 5	8364
46900	7590 01/05/2006		EXAM	INER
MENDELSOHN & ASSOCIATES, P.C.			PENDLETON, BRIAN T	
	500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102		ART UNIT	PAPER NUMBER
•	•		2644	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
09/848,877	FALLER, CHRISTOF
Examiner	Art Unit
Brian T. Pendleton	2644

The MAILING DATE of this communication appears on the cover sheet with the correspondence addres	is
THE REPLY FILED <u>07 December 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid aban this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within or	e, which R 41.31; or
following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.	
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WILLIAM MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extensi been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may repart term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ee under 37 set forth in (b)
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).	of the date ne appeal.
AMENDMENTS	
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered bec	ause
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); 	
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the appeal; and/or	e issues for
(d) They present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).	
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (P	TOL-324).
5. Applicant's reply has overcome the following rejection(s):	,
 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment the non-allowable claim(s). 	•
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an exp how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:	lanation of
Claim(s) allowed: Claim(s) objected to: <u>3,5,6,8,13-15,20,21,25,26,28,31,33 and 34.</u>	
Claim(s) rejected: <u>1,2,4,7,9-12,16-19,22-24,27,29,30,32 and 35</u> . Claim(s) withdrawn from consideration:	
AFFIDAVIT OR OTHER EVIDENCE	
8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is n and was not earlier presented. See 37 CFR 1.116(e).	pe entered ecessary
The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, wi entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails (showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	II <u>not</u> be to provide a
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached REQUEST FOR RECONSIDERATION/OTHER	d.
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance	because:
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other:	
Brian T. Pendleton Primary Examiner	-
Art Unit: 2644	

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05)